

## Folsom ends Senate logjam

### Some say voice vote violated constitution

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MONTGOMERY - Several senators accused Lt. Gov. Jim Folsom Jr. of breaking the law Tuesday when he allowed, over objections, a voice vote by senators that stopped debate on a bill about electronic bingo machines at a dog track in Macon County.

But other senators praised Folsom for breaking a logjam that had stalled the Senate since April 1. The Senate for nine straight meeting days had done little but argue over the proposed law, Senate Bill 191.

Folsom, who presides over Senate debate, told senators it was time to move on and discuss next year's state budgets and other issues.

"We do not have time in this body to ... keep this legislation suspended in midair for days and days and days while all of you have important legislation," Folsom said.

He then allowed a voice vote and ruled that senators had voted to carry over, or set aside, SB 191, even though senators raised their hands asking for a roll-call vote. Sen. Hank Erwin, R-Montevallo, loudly said, "Roll-call vote" twice before the vote.

"You have violated the constitution of the state of Alabama," Erwin told Folsom.

Section 55 of the state constitution says a recorded vote on any question shall be entered in the Senate journal at the request of one-tenth of the senators present. The Senate has 35 members.

By tradition, the presiding officer has required roll-call votes if three or more senators raised their hands. More than four senators raised their hands after Sen. Zeb Little, D-Cullman, moved to carry over SB 191 to free the Senate to debate other bills.

Earlier in the day, 14 senators signed and filed a written motion that said they objected to any votes except by roll call.

But Folsom told senators after the voice vote, "I have a duty and an obligation to the people of this state to see that their issues are addressed."

McDowell Lee, secretary of the Senate, said in an interview that Folsom didn't violate the constitution, the highest state law, if he didn't see senators raise their hands calling for a recorded vote.

Folsom in an interview said, "I was pretty well zeroed in on Sen. Little and his motion."

### **Denies violation:**

"I haven't violated the constitution. And it was time for this body to move on. We've got too many things to deal with," Folsom said.

Sen. Scott Beason, R-Gardendale, said Folsom violated the law. "He just absolutely looked the other way and broke the constitution," Beason said.

"That's just a simple fact. It's not leadership."

Little and Sen. Lowell Barron, D-Fyffe, noted that some Republican senators didn't want to set aside SB 191. They wanted to keep the Senate bogged down on it to try to delay and kill a bill that would let voters decide

whether to remove the 4 percent state sales tax from groceries. The tax bill also would raise state income taxes on many wealthier Alabamians.

Little praised Folsom. "He rose above the petty partisan politics today and he gaveled through a carry-over ... to try to break the gridlock, so that we could get to the people's business," Little said.

He said Republicans and Democrats supporting SB 191 had enough votes to keep the bill from being set aside if a roll call had been taken. That would have kept Democratic Senate leaders from proposing other bills for senators to debate and maybe pass.

**Didn't have votes:**

"We didn't have the votes. Jim Folsom showed leadership and broke the logjam. The power is in the chair," Little said, adding that the presiding officer has the power to recognize whether three or more senators called for a roll call.

With SB 191 out of the way, Barron proposed an agenda of 35 "non-controversial" bills for the Senate to debate, including bills about workers' compensation, unemployment compensation and distinctive vehicle license tags.

But Sen. Ben Brooks, R-Mobile, delayed a vote on the first bill, saying he wanted Senate Bill 5, a bill he sponsored to encourage private companies to insure coastal property in Alabama, put on the voting agenda or at the top of the next agenda.

"The Democratic leadership is playing politics with the homes in Baldwin and Mobile counties," Brooks said.

Barron told Brooks he was being irrational and childish, and the Senate adjourned until 10 a.m. today without passing any of the 35 bills.

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